



STATE OF NEBRASKA  
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March 8, 2022

Via email at [REDACTED]  
Stephanie Friedley

RE: *File No. 22-M-110; Belvidere Village Board; Stephanie Friedley, Complainant*

Dear Ms. Friedley:

This letter is in response to your complaint alleging violations of the Nebraska Open Meetings Act ("Act"), Neb. Rev. Stat. §§ 84-1407 to 84-1414 (2014, Supp. 2021), by members of the Belvidere Village Board ("Board"), of which you are a member, at a meeting held on February 8, 2022. In accordance with our normal procedure with respect to such complaints, we sent a copy of your complaint to the Board for a response. On February 28, 2022, we received a response to your complaint on behalf of the Board from chairperson Linda Hudson. We have now completed our review of your complaint, and our findings and conclusion are set out below.

### **FACTS**

Your allegation relates to a Board meeting scheduled for February 8, 2022 at 7 p.m. You allege that Linda Hudson, chairperson of the Board, left you a voicemail on February 7 informing you that the meeting time was changed to 6 p.m. so that she could attend a family member's basketball game. You informed Ms. Hudson that you would not be able to attend the meeting at the earlier time and asked whether a change of time notice had been posted for the public. You allege that Ms. Hudson informed you that a new meeting notice had not yet been posted as of the time you spoke to her on the evening of February 7. Ms. Hudson informed you that the meeting would take place at 6 p.m. and that "you can get there when you are able."

In response to your allegation, Ms. Hudson states that, in the small village of 49 citizens, the Board "tries to manage affairs to the best of our ability and has not knowingly tried to change any meeting for illegal reasons." She indicates that "[v]ery few meetings have been held at the wrong time or date." Further, Ms. Hudson states that she had already left the meeting when you arrived near 7 p.m. She states that "[t]he business conducted during the [previous] 45 minutes was a general common meeting and nothing

out of the ordinary was discussed before [you] arrived.” She says that “[t]he other members informed [you] of all business and gave [you] a copy of the minutes showing the entire procedure of the previous meeting. The bills and deposits for February were also made known.”

### **ALLEGED VIOLATION**

You allege that the Board improperly changed the time of the February 8 meeting without giving timely public notice.

### **DISCUSSION**

The Act requires a public body to give “reasonable advance publicized notice of the time and place of each meeting . . . . Such notice shall be transmitted to all members of the public body and to the public.” Neb. Rev. Stat. § 84-1411(1)(a). In this case, the meeting time was changed approximately 24 hours prior to the start of the meeting. This was clearly not enough time for all Board members to rearrange their work schedules to attend the meeting. While it is not clear whether the public was provided any advance notice of the time change, if any advance notice was given it was posted less than 24 hours before the meeting. The Act does permit a meeting to be held without reasonable advance notice if an emergency exists. Neb. Rev. Stat. § 84-1411(5). The Board does not contend that one existed in this case. For the foregoing reasons, we find that the Board did not give reasonable advance publicized notice of the change of start time for its February 8 meeting.

### **CONCLUSION**

We find that the Board did not provide reasonable advance publicized notice of the change of start time for the February 8 meeting as required by the Act. We remind the Board, through a copy of this letter, of its obligation to strictly comply with § 84-1411(1)(a).

We do not believe that further action by this office is appropriate and we are closing this file. If you disagree with our analysis, you may wish to discuss this matter with your private attorney to determine what additional remedies, if any, are available under the Act.

Sincerely,

DOUGLAS J. PETERSON  
Attorney General



Elizabeth O. Gau  
Assistant Attorney General

CC: Linda Hudson, Belvidere Village Board Chairperson